## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:20-cy-179-FDW-DCK

MARY HAGGINS,	)	
Plaintiff,	)	
vs.	)	ORDER
CENTERS FO MEDICARE AND MEDICAID SERVICES	)	<u>SADEN</u>
Defendant.	) )	

**THIS MATTER** is before the Court on its July 8, 2020, Order, (Doc. No. 3).

Plaintiff filed a *pro se* Complaint asserting claims under 42 U.S.C. § 1983. (Doc. No. 1). In an Order issued on July 8, 2020, the Court granted Plaintiff's Application to proceed *in forma pauperis* and dismissed the Complaint on initial review pursuant to 28 U.S.C. § 1915. (Doc. No. 3). The Court granted Plaintiff the opportunity to amend her Complaint within 30 days and cautioned her that the failure to do so would result in this action's dismissal without prejudice and without further notice. (<u>Id.</u>).

Plaintiff failed to amend her Complaint in accordance with the July 8 Order and the time to do so has expired. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); <u>Link v. Wabash R.R. Co.</u>, 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

## IT IS, THEREFORE, ORDERED that:

- 1. This action is **DISMISSED** without prejudice for Plaintiff's failure to comply with the Court's July 8, 2020 Order.
- 2. The Clerk of this Court is directed to terminate this action.

Signed: September 23, 2020

Frank D. Whitney

United States District Judge